

UNAPPROVED MINUTES
CITY OF MILPITAS

RA3

Minutes: Regular Meeting of Milpitas Redevelopment Agency (Including
Joint Meeting with City Council)
Date of Meeting: April 15, 2003
Time of Meeting: 9:42 p.m.
Place of Meeting: Council Chambers, City Hall

**RA1.
CALL TO ORDER**

Mayor Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 9:42 p.m.

**RA2.
ROLL CALL**

Present were Mayor Esteves, Vice Mayor Dixon, and Agency/Councilmembers Gomez, Livengood, and Polanski.

**RA3.
MINUTES**

MOTION to approve the Redevelopment Agency minutes of April 1, 2003, including joint meeting with the City Council, as submitted.

M/S: Livengood, Dixon.

Ayes: 5

**RA4.
AGENDA**

MOTION to approve the agenda and consent calendar as submitted.

M/S: Livengood, Dixon.

Ayes: 5

**RA5.
CIVIC CENTER UPDATE**

Redevelopment Projects Manager Greg Armendariz reported there were three items for the Council's approval: One contract change order, two purchase orders, and a \$45,000 appropriation for the third floor improvements.

Using a PowerPoint presentation, Mr. Armendariz outlined the change order in the amount of \$128,224 to provide compensation for additional work provided by ACCO, the HVAC/mechanical contractor, explaining that an additional air handler unit had been provided to improve the operating efficiencies for the Council Chambers, acoustical work done to the HVAC system into the Council Chambers. Mr. Armendariz further stated that the change order resolved the last outstanding claim.

Mr. Armendariz reported the first purchase order was for \$441 for labor to assist the City in trouble shooting the automatic shade system in the Committee Room; the second purchase order was with Weidner Architectural for \$5,131 for a time and materials change order that provided for additional signage for the garage, private office, stairwells, and building entrances.

Mr. Armendariz said there was an appropriation for the 3rd floor public access improvements; on February 4, 2003, the Council approved staff's recommendation of \$45,000 for the improvements, however, an appropriation was not been made at that time.

Mr. Armendariz presented an update on the project's expenses, stating after tonight's approval of contract change order and purchase orders, plus the addition of some purchase order savings, totaling \$84,892, there was a project contingency remaining of \$189,534.

Assistant Project Manager Mark Rogge outlined the progress of the 3rd floor modification, stating that the work was approximately 50% underway regarding getting the work ordered; Information Services would be doing the needed security adjustments; there was approximately \$4,000 in the project contingency fund. Mr. Rogge stated that the detail plans for the 4th floor modifications were being developed, and the main progress was developing the plans and doing some coordination.

MOTION to:

1. Approve the contract change order included in the contract change order summary sheet and the two purchase orders;

2. Appropriate \$45,000 for the City Hall Third Floor Improvements from the RDA Tax Increment;
3. Note receipt and file project close out progress report.

M/S: Dixon, Livengood.

Ayes: 5

**RA6.
REDEVELOPMENT PLAN
8th AMENDMENT**

Assistant City Manager Blair King reported the proposed Eighth Amendment to the Milpitas Redevelopment Plan covered three basic areas: Add 691 acres of the Midtown area to the Redevelopment Plan; raise the current tax increment cap to a combined limit for the new and existing area to \$2.4 billion; and a combined bonded debt limit of \$498 million. Mr. King further reported there were some text changes to make the Redevelopment Plan contemporary with the current law and presented a pictorial view of the proposed added area, which was essentially the Midtown area. Mr. King stated that the Redevelopment did not, in terms of this project, change land use nor would it raise taxes.

Mr. King outlined the Redevelopment Amendment process, stating it was prescribed by state law; the Midtown Specific Plan was the start when a resolutorial survey was adopted; next was this report to the City Council; technically, the Redevelopment Agency Board had a report that would be transferred to the City Council; the City Council had accepted that report and called for a public hearing, which was scheduled for May 20, 2003; approximately 5,300 notices would be sent to property owner/tenant/resident within the new project area and a notice would be in the paper for five consecutive issues.

Vice Mayor Dixon complimented the Assistant City Manager on the presentation given at the first public hearing a couple weeks ago.

Councilmember Polanski thanked Assistant City Manager King and staff for providing all the information regarding the eighth amendment.

MOTION to adopt Resolution No. RA199 approving the report to the City Council and authorize a Joint Public Hearing and related actions.

M/S: Dixon, Polanski.

Ayes: 5

**RA7.
2003-2008 CAPITAL
IMPROVEMENT PROGRAM**

City Engineer Mike McNeely, using a PowerPoint presentation, presented an overview of the proposed 2003-2008 Capital Improvement Program highlighting that the Program proposed an extensive project reprioritization, focused on project delivery, had a goal to deliver \$30 million in projects through June 2004, and evaluated resources for delivery of the Council's highest priority projects. Mr. McNeely stated that total funded dollars, if the proposed proposal was funded, would involve funding a total available for Capital Improvement projects of approximately \$45 million, including money currently available and new monies in July of 2003. Mr. McNeely stated that the Parks, Recreation, and Cultural Resources Commission had reviewed the Parks section and the Planning Commission had approved the Plan for conformance with the General Plan. Mr. McNeely suggested going through each category (Community Improvements, Parks, Streets, Water, Sewer, and Storm) and receiving questions and comments from the Council.

Mayor Esteves began by pointing out that the chart on page 4 was not drawn to scale and looked deceptive. Mayor Esteves asked what was the gross total Capital for the next fiscal year. Mr. McNeely responded it was approximately \$20 million. Mayor Esteves asked how that compared with the previous year and how much was done in the previous years excluding City Hall. Mr. McNeely said he would have to check on that but the amount was a bit smaller because of excluding City Hall and reprioritizing some projects. Mayor Esteves asked if it was close to \$20 million explaining that he wanted to keep performance as much as possible at par with previous years. Mr. McNeely responded the budget for 2002/03 was approximately \$12.9-\$13 million. Mayor Esteves asked for clarification that \$20 million was proposed for the next fiscal year and only \$12 million for the previous year. Associate Civil engineer Doug DeVries explained some of the changes this year in the way the Capital Plan was being presented and the fact that you could actually see the projects and how much was going to be

delivered as opposed to accumulating dollars that don't tell you what the deliverable amounts are; this was a restructuring of the format to show the kind of effort that would actually be done next year.

Mayor Esteves said he hoped in the next presentation there would be a listing of all the projects that could be the breakdown of the \$30 million. Mr. McNeely responded that was basically the projects that were listed without the dollar amounts associated with them. City Manager Wilson said staff would do that, it was not provided with this but these projects, starting with Community Improvement through all of the projects, constituted the \$30 million of deliverables; staff will put the breakdown of those numbers next to each project for the Council so that when they are presented on the 13th at the budget hearing, the Council will have the breakout.

Councilmember Livengood said he was having a problem with the new format and using the Library as an example, said the Council had designated \$5 million in the General Fund plus another two or three million but the only thing shown in the Capital Improvement Program budget was the study. Councilmember Livengood expressed concern that it didn't seem complete to him, he understood what the intent was but it didn't make it clear for him to understand exactly where the money was going.

Vice Mayor Dixon asked if the \$90,000 that was supposedly coming from the State 9-1-1 system for the Expanded Public Safety Technology (page 6) was guaranteed or might it be lost now from the State. Deputy Information Services Director Terry Medina responded there was no guarantee but there was a commitment from the State in order to implement that the E9-11 for the cellular phone location.

Vice Mayor Dixon, referring to the transient occupancy tax (TOT) on page 7, requested that for the budget hearing she would like to have the TOT broken out into just the percentage that was put to the voters so there would be a clear idea what that increase was going to be for the Library. Vice Mayor Dixon asked if the Public Works parking lot expansion to the south of the Corporation Yard was on John Minnis' property, would it be a lease, and how long would the lease be? City Manager Wilson responded a lease was proposed, it hadn't been worked out yet, but it would obviously be a long-term lease. Vice Mayor Dixon commented that if staff didn't have answers for her tonight, they could make a note of it and get back to her off-line. Vice Mayor Dixon asked how long or how far away was the project for the fiber optic ring installation to connect the Sports Center. Mr. Medina responded staff was working on the project right now and this was the last major leg with the exception of the temporary Senior Center, which staff was also going to look at wireless from Fire Station 1.

Vice Mayor Dixon, referring to the housing project on page 17, questioned the original 5.9 million dedicated towards the senior housing project and the statement that the DeVries house and the senior housing project were completely separate but it talked about putting funds into a seismic safety study and asked if that money was coming out of this or was it coming out of a different source. Mr. McNeely responded that money would come out of this at a later date – after the Senior facility was concluded. Vice Mayor Dixon asked for confirmation that they were separate projects. Mr. McNeely said they were to his knowledge but he would have to get back to her on that one.

Mayor Esteves, referring to page 8 under comments, said the second sentence said costs include historical expenditures for the renovation of the old City Hall of approximately \$1 million and asked what that was. Projects Manager Greg Armendariz responded the budget for City Hall was \$38.5 million; this sheet showed the \$39.8 million and reflected the historical costs long before City Hall relocated to the Great Mall; some roofing improvements were done to the old City Hall when the project was established close to ten years ago so this was just tracking historical costs.

Mayor Esteves inquired if only \$176,000 was expected to be spent for Senior Center renovations in the next fiscal year (page 27). Mr. McNeely said staff was looking at this figure and would come back with a figure through the subcommittee very shortly on a design

cost. Mayor Esteves suggested putting amounts under the column for 2003/04 because they were all zeros.

Vice Mayor Dixon, referring to page 47, the Alviso Adobe renovation site improvement, said she was asking her annual question, she had brought this up every year since the \$100,000 donation from Shapell Industries to the Historical Society to hold towards the renovation of the Adobe, and every year there was a different spin on it and now she was reading the money only goes to the City after the Adobe has been renovated. Vice Mayor Dixon asked what was the status of getting property access to the Adobe. Mr. McNeely said the goal was to redouble efforts this next year to pin that down, a willing owner who would step to the plate and agree hadn't been found, and staff had talked to the church and the owners across the roadway and was continuing with that dialogue. City Manager Wilson commented that the Historical Society money was worked out with a subcommittee, there was a document that was being finalized that will provide a commitment from the Historical Society to the City of the Shapell money but the money does come at the end of the project. Vice Mayor Dixon commented that when you see the financing brackets down at the bottom of the page, there was a zero under Milpitas Historical Society grant so it was misleading to a degree.

Vice Mayor Dixon, referring to page 56, Bobby Sox field improvements, said she wanted to clarify that \$75,000 was for three concrete pads, electrical service, and the Bobby Sox League was looking at furnishing a storage shed and a bating cage and the \$75,000 was just for the concrete and the electrical alone. Mr. McNeely responded to his knowledge, that was it. Vice Mayor Dixon, referring to the Sports Center Master Plan improvements on page 63, expressed concern about the ongoing issue of traffic circulation and wanted to make sure staff stayed on that with the School District because it appeared they were willing to talk about it. Mr. McNeely said there were several options and staff has had several discussions with the School District. City Manager Wilson added that the commitment for this year on that site was to get the circulation defined and done because it was a problem and the location of the new fields couldn't be reorganized until the circulation problem was solved. Vice Mayor Dixon said it was critical in her mind to solve it as soon as possible because everything was being put on hold and it didn't make sense to improve those fields to make it even more popular and create an even bigger traffic problem.

Councilmember Polanski commented that this presentation was brought to the Parks, Recreation, and Cultural Arts Commission, it was a good presentation, and one of the areas discussed was the circulation and until the circulation was worked out for parking and the flow of people in and out of the Sports Center, it didn't make sense to move forward with some of the other improvements.

Councilmember Gomez, referring to Athletic Court resurfacing on page 54, said he noticed that the City was resurfacing the high school tennis courts and asked why and weren't they the responsibility of the School District. Assistant City Manager Blair King responded the City has an agreement with the High School to share 50% of the maintenance cost; there were a variety of athletic courts that need resurfacing; staff was not proposing that the High School courts be pursued at this time since it was anticipated the High School/School District probably would not have the money to join in a 50/50 effort.

Councilmember Gomez, referring to Penitencia Creek Trails Feasibility Study on page 69, inquired why it ended at West Calaveras instead of going all the way up to where Penitencia Creek connects with Berryessa Creek further north. Mr. McNeely said that would be evaluated and all alternatives would be looked at.

Mayor Esteves said he noticed that many of the projects didn't have any figures under 2003/2004 and he assumed staff was going to fill those out. Mr. McNeely said the numbers were noted, on each project there was an available funds and many of those projects have available funds; if there were no available funds, that meant they were being programmed out for the future years. Mayor Esteves used Peter Gill Park (page 51) as an example stating that it showed available funds of \$70,000 but nothing being spent in 2003/04. Mayor Esteves said he would like to make it simple; if it will be spent in that fiscal year, put a number in that

fiscal year. Mr. McNeely said the prior year had always been a point of confusion; if it's appropriated in the prior year, it has always been in the prior year and was a Finance requirement. Mayor Esteves said he was saying that if it's scheduled to be done in that year, put the amount there.

Mayor Esteves inquired if the DeVries house was under maintenance since he didn't see anything for the DeVries house. Mr. McNeely responded it was and anything that would be done in the project would be in the Senior Housing project. Mayor Esteves said the reason he mentioned this was that it could be very timely for next year and the 50th Anniversary to have something to show.

Rob Means, referring to the Hetch Hetchy landscape improvement on page 46, said this was a small \$50,000 project that has been dropping through the cracks for years and he didn't want it to drop through the cracks one more time; this was a small little stretch just north of three schools that has got a dirt trail that needs to be upgraded so that it connects Augustine Park and the High School, Pomeroy, and Russell Schools. Mayor Esteves said he agreed, he had been there and it was the only area left that was not developed. City Manager Wilson said staff would like to bring this back for the Council's consideration and include it in the project.

Vice Mayor Dixon, referring to the Tasman Extension/Great Mall Parkway to 880 on page 87, inquired about the appropriation of \$1,584,000 supposedly from the VTA for the landscaping project. Mr. McNeely said there was an agreement with VTA and they were committed because they want that in also before the opening of the Light Rail.

Vice Mayor Dixon, referring to the traffic signal modifications on page 90, commented that this had to do with the installation of battery back-up so that when the power goes off, we have the ability now to have the street lights work and inquired if there was grant money for this. Mr. McNeely responded the City did receive one grant for a portion of it. City Manager Wilson commented that Milpitas was a leadership community on the installation during the blackout time; it was a reimbursement after expending the dollars, and the City did get its share of reimbursement on that which included the LED (light emitting diode) function.

Vice Mayor Dixon, referring to the Calaveras/Piedmont/Evans intersection improvements on page 111, noted the status block talked about construction estimated at \$822,000 and included the ultimate widening between Gadsden/Piedmont but no traffic signal at Calaveras/Piedmont/Evans which confused her because she thought a light was planned there. Mr. McNeely said staff was not recommending the light at that location at this time; there wasn't the money for it and the stop controls had been working effectively. Vice Mayor Dixon agreed the four-way stop had worked out excellent.

Councilmember Gomez, referring to Utility Undergrounding on page 89, inquired how it was determined where utilities need to be undergrounded. Mr. McNeely responded in the past, the Council had acted on a priority list; now that the undergrounding program was underway after the PG&E bankruptcy, there was some money available; when the MidTown evaluation was completed, staff would be coming back to the Council with a proposed list of priorities.

Councilmember Gomez, referring to the Pavement Improvement Program on page 96, asked for confirmation that it covered every public street. Mr. McNeely said it was a City-wide program and almost every year there was a major project. Councilmember Gomez asked if there was a backlog. Mr. McNeely said there was a backlog of streets that could be done if there was the money. Councilmember Gomez asked if there was a list with all the streets in the City and a targeted date as to when they are to be resurfaced. Mr. McNeely said there was. Councilmember Gomez noted that residents could call the Public Works Department to find out when their street was going to be resurfaced.

Mayor Esteves asked if there were any comments on the Water, Sewer, and Storm Drain Projects. There were none.

City Manager Wilson said at this point, this was just for submission as a starting point; staff would come back to the Council with the revisions and adjustments and answers to the questions; this would become part of the adoption process at the budget hearing scheduled for May 13th and, if necessary, May 15th.

***RA8.
VALUATION ANALYSIS
AGREEMENT**

Authorized the City Manager/Executive Director to execute Amendment 1 to the Agreement between Milpitas Redevelopment Agency and Keyser Marston Associates in the amount of \$14,999.00 for a valuation analysis of Assessor Parcel Numbers 86-05-021, 86-05-009, and 86-11-013, subject to approval as to form by the City Attorney.

***RA9.
AUDIT CONTRACT
AMENDMENT**

Authorized the City Manager to execute an amendment to extend the contract with Maze & Associates Accountancy Corporation for fiscal year 2002-03 for \$84,152, subject to approval as to form by the City Attorney.

***RA10.
INTERIM SENIOR CENTER
PROJECT**

1. Established new Capital Project No. CP 8151, Interim Senior Center, with a total budget of \$573,000 with \$431,815.57 from CDBG (July 1, 2003) and the remainder from the Redevelopment Agency; and
2. Appropriated \$141,584.43 from unallocated Redevelopment Agency funds to the Interim Senior Center project.

**RA11.
ADJOURNMENT**

There being no further Redevelopment Agency business, Mayor Esteves adjourned the Redevelopment Agency meeting at 10:45 p.m.

Gail Blalock
Secretary/City Clerk